



## CITY OF DURHAM | NORTH CAROLINA

**Date:** January 7, 2014

**To:** Thomas J. Bonfield, City Manager  
**Through:** Keith Chadwell, Deputy City Manager  
**From:** Mark D. Ahrendsen, Director of Transportation  
**Subject:** Agenda Item – Durham-Chapel Hill-Carrboro Metropolitan Planning Organization Memorandum of Understanding

### Executive Summary

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) is established through a Memorandum of Understanding (MOU) between its member governments and the North Carolina Department of Transportation, in cooperation with the United States Department of Transportation. The DCHC MPO has requested that the member governments approve an updated MOU to replace the current MOU from 1994. The new MOU includes several updates and changes to reflect current federal and state legislation and regulations, planning practices of the MPO, updated population figures, and best planning principles.

### Recommendation

It is recommended that the Council authorize the City Manager to approve the Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning Between the Governor of the State of North Carolina, City of Durham, Town of Chapel Hill, Town of Carrboro, Town of Hillsborough, County of Durham, County of Orange, County of Chatham, Triangle Transit, and the North Carolina Department of Transportation.

### Background

Section 134(a) of the Title 23 of the United States Code requires the establishment of Metropolitan Planning Organizations (MPOs) in urbanized areas over 50,000 in population. MPOs are responsible for carrying out cooperative, comprehensive, and continuing long-range transportation planning for the urbanized area. Federal regulations require that the MPO develop and approve Metropolitan Transportation Plans and Transportation Improvement Programs in order for federal and state transportation funding to be used in the urbanized area.

The City of Durham is the core central city for the Durham urbanized area, and has been the host of the Durham-Chapel Hill-Carrboro MPO since its inception. Establishment of the MPO requires a Memorandum of Understanding between the governments in the MPO and the North Carolina Department of Transportation. This MOU is periodically updated when new members are added to the MPO or to reflect updated federal or state legislation. The Transportation Advisory Committee of the DCHC MPO has endorsed the updated MOU and has requested that all member governments approve it by February 20, 2014.

## **Issues/Analysis**

The proposed MOU is an updated version of the current MOU. The key updates include:

- Triangle Transit is included as a signatory to the MOU and now has a voting member on the MPO Board. The latest federal transportation legislation, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21), requires that transit agencies be a voting member of the MPO Board.
- References to federal and state legislation have been updated.
- The Transportation Advisory Committee name is changed to the MPO Board and the Technical Coordinating Committee name is changed to the Technical Committee in order to increase clarity of the roles of the MPO's governing board and staff-level committee.
- References to the Thoroughfare Plan have been deleted, and references to the Comprehensive Transportation Plan have been added. State legislation has replaced the Thoroughfare Plan with the Comprehensive Transportation Plan. This is a state-required multi-modal long-range transportation plan that is not financially constrained.
- The weighted voting provision for the MPO Board is slightly adjusted based on the addition of Triangle Transit and current population figures. The City of Durham's share of the total weighted votes changes from 40% to 42%. The City of Durham plus Durham County's total share is unchanged at 53%.
- The new MOU formalizes the new cost-sharing arrangement for the local share of the costs for Lead Planning Agency staff. Prior to this year, the City of Durham provided the full 20 percent local share. Starting this year, the municipalities and counties will share this cost proportionate to population. Along with this change, the new MOU increases the oversight of the MPO staff and the staff of any other agencies receiving federal transportation planning funds by the MPO Board.
- Orange County will have one additional member on the staff-level Technical Committee, and NC Department of the Environment and Natural Resources is now on the Technical Committee. In addition, several additional non-voting representatives are added to the Technical Committee to increase the involvement of environmental agencies, freight interests, and economic development interests. The City of Durham will still have five representatives on the Technical Committee, but this will no longer include Lead Planning Agency staff.
- In accordance with state law, "E-Verify Compliance" has been added to the MOU.

City of Durham staff reviewed an earlier draft of the new MOU and offered some suggested changes that were incorporated into the final version of the MOU endorsed by the Transportation Advisory Committee.

## **Alternatives**

The City could request that the MPO make changes to the MOU. Any changes would need to be approved by the DCHC MPO Board and the governing boards of each of the parties to the MOU.

The City could not approve the MOU. However, this would prevent the MPO from operating and would result in the withholding of federal and state transportation funding to the region.

## **Financial Impact**

The MPO's operations are funded 80 percent through a federal grant and 20 percent through a local match. As specified in the MOU, the 20 percent local match is to be shared proportionately by population share among the MPO's municipalities and counties. This is a change from the current

MOU which does not specify that the local match will be shared proportionately. Up until fiscal year 2014, the City of Durham had been contributing the entire 20 percent local match. The MPO has already started the proportionate sharing of the local match starting with fiscal year 2014. The new MOU formalizes this change.

This change will result in less City funding being required for the operations of the MPO, and MPO Lead Planning Agency staff will no longer perform work on behalf of the City of Durham. In exchange, the City of Durham will be hiring a transportation planner who is not a member of the MPO's Lead Planning Agency staff to perform work for the City and to represent the City on the MPO's Technical Committee. This was approved in the City's fiscal year 2014 budget.

**SDBE Summary**

This item does not require review by the Office of Equal Opportunity /Equity Assurance.

**Attachments**

Attachment 1 – Memorandum of Understanding for Cooperative, Comprehensive, and Continuing Transportation Planning